

Serial No. 10/065,891
Filed: 11/27/02
Page 14 of 24

Examiner: Theresa T. Snider
Group Art Unit: 1744

REMARKS/ARGUMENTS

By the present amendment, the specification has been amended as suggested by the Examiner, claims 35 and 42-57 have been cancelled and new claims 65-68 have been added. The other claims have been amended for purposes of clarity. No new matter has been added to the application.

In the Office Action, restriction was required between five different groups of claims as set forth on page 2 of the Office Action. The restriction requirement is respectfully traversed.

By the present amendment, Applicants have cancelled the second and third sets of claims. Claims 63 and 64 which relate to Group V have been retained because it is believed that these claims are appropriately classified with the claims of group 1. Claims to Groups I and V both relate to a portable extraction cleaner with a housing assembly including a housing enclosure mounted on a housing base and a handle adapted for user carrying of the extraction cleaning machine. Further, both sets of claims require a solution tank and a recovery tank removably mounted to the housing base. Further, both sets of claims require a recovery tank that has an air/liquid separator. Regardless of the classification, it is believed that both subclasses are required to be searched to adequately examine the application. Reconsideration of the restriction requirement with respect the claims of the Examiner's Groups I and V is respectfully requested. New claims 65-67 should be classified with Group I claims. New claims 66 and 67 are patterned after claims 1 and 2 and are believed to be classified with the Examiner's group I. Claim 65 depends from claim 1.

Applicants also believe that Examiner's group IV, claims 60-62 and new claim 68, should not be restricted as well. New claim 68 depends from claim 60. These claims, like claims of Groups I and V have the common term of a housing assembly including a housing enclosure mounted on a housing base and a handle adapted for user carrying of the extraction cleaner, a solution tank and a recovery tank removably mounted to the base. The only distinction between claims 60 and claims 1 and 63 is the addition of a pour spout on an upper portion of the recovery tank adjacent to the housing enclosure. This feature is also found in dependent claims 30-32 which is the subject of the Examiner's substantive action. Applicants believe the Examiner has

Serial No. 10/065,891
Filed: 11/27/02
Page 15 of 24

Examiner: Theresa T. Snider
Group Art Unit: 1744

already searched these features and it would not be burdensome for the Examiner to include these three claims in the group of claims with Groups I and V. Accordingly, reconsideration of the restriction requirement with respect to claims to the Examiner's groups I, IV, and V is respectfully requested.

Applicants confirm the election of the claims of group 1, claims 1-41, 49-50, 53-59 and new claims 65-67 with traverse.

In the Office Action, the specification was objected to for several formal matters. Applicants believe that these objections have been overcome by the present amendment. The Examiner is thanked for her helpful suggestions for amendment to the specification to correct these clerical errors.

Claim Rejections – 35 U.S.C. § 112

The Examiner has further rejected claims 2-41, 49-50, 55-57, and 59 under 35 U.S.C. § 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Some of these claims have been cancelled. To the extent that the claims have not been cancelled, Applicants believe that these claims have been amended as suggested by the Examiner to overcome the objection of the claims.

Double Patenting

Claim 35 has been objected to under 37 C.F.R. 1.75 as being a substantial duplicate of claim 16. By the present amendment, claim 35 has been cancelled.

Claim Rejections – 35 U.S.C. § 102

Claims 1-7, 14-16, 23-24, 35-37, 53-54 have been rejected under 35 U.S.C. § 102(b) as being clearly anticipated by the Thomas et al. U.S. Patent No. 5,301,386. This rejection is respectfully traversed. Claims 53-55 have been cancelled.

Serial No. 10/065,891
Filed: 11/27/02
Page 16 of 24

Examiner: Theresa T. Snider
Group Art Unit: 1744

The Thomas '386 patent discloses a portable extraction cleaner having a base with a U-shaped arch formed by a pair of upstanding lateral members 23, 26 connected by a handle that is pivotally mounted about a horizontal axis of one of the lateral members and removably connected to the other of the lateral members. A solution tank and a recovery tank are mounted to the base. A suction hose is mounted to the recovery tank. The base further has an upstanding vertical sleeve with a base 14 that encloses a "moto-ventilator group 2."

The Thomas et al. '386 patent does not disclose a housing enclosure centrally mounted on a housing base and a handle formed on the housing enclosure with a suction motor and impeller assembly mounted within the housing enclosure as required by claim 1. The Examiner has asserted that the "moto-ventilator group 2" is a housing enclosure. Applicants submit that this structure does not form a housing enclosure for a motor and impeller. Further, the "moto-ventilator group 2" does not have a handle mounted to it. The Thomas et al. '386 handles are mounted to the uprights 23, 26 and not to the moto-ventilator group 2. Thomas et al. '386 patent does not meet the limitations of claim 1 which calls for a housing enclosure with a handle formed on a housing enclosure and a suction motor and impeller assembly mounted within the housing enclosure. Thus, claims 1-7, 14-16, 23-24, and 35-37 are not anticipated by the Thomas et al. '386 patent.

Claims 2-7, 14-16, 23-24 and 35-37 depend from claim 1 and define over the Thomas et al. '386 reference in the same fashion as claim 1. In addition, claim 3 calls for the solution tank and recovery tank to be mounted to forward and rearward ends of the main housing assembly and the handle to be oriented in a forward to rear direction. The Thomas et al. '386 reference does not disclose this concept. The handle in the Thomas et al. '386 patent is transverse to the solution and recovery tanks rather than aligned with them.

Further, claims 5-7 and 16-18 further distinguish over the Thomas et al. '386 reference in that they call for a flexible suction hose mounted to the housing assembly and connected to the recovery tank. Although the Thomas et al. '386 reference discloses a flexible hose, it is not mounted to the housing but is mounted directly to the recovery tank. Claims 6 and 7 depend from claim 5 and distinguish over Thomas in the same fashion as claim 5. Likewise, claims 17

Serial No. 10/065,891
Filed: 11/27/02
Page 17 of 24

Examiner: Theresa T. Snider
Group Art Unit: 1744

and 18 depend from claim 16 and distinguish over Thomas et al. '386 in the same fashion as claim 16.

Claims 12 and 13 further distinguish over Thomas et al. in calling for indentations at an outer surface of the housing base for receiving and positioning the flexible suction hose. This concept is not disclosed in Thomas. The unnumbered indentations in Thomas et al. '386 extractor are not in the base but rather in the recovery tank and the solution tank.

Claim 13 further distinguishes over the Thomas et al. '386 reference in calling for a clip on the housing assembly for releasably retaining the free end of the flexible hose when the hose is wrapped around the housing base. This concept is not disclosed by Thomas et al. '386.

Claim 14 further distinguishes over the Thomas et al. '386 reference in calling for the handle to be integrally formed with a housing enclosure at an upper portion thereof. The Thomas et al. '386 handle may be integrally formed with the upright lateral member 23 (although Thomas et al. do not disclose integral molding of the handle with the upright lateral member 23), the handle is not molded to the moto-ventilator group 2, which the Examiner has characterized as the "enclosed housing." Nor is it integrally molded to the other upright lateral member 26 of Thomas et al. '386.

Claims 1-9, 14-16, 23-25, 35-39, and 53-55 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Ostergaard U.S. Patent No. 4,724,573. This rejection is respectfully traversed.

The Ostergaard '573 reference discloses an extractor of similar nature to the Thomas et al. '386 extractor with a housing base, a pair of uprights extending upwardly from the base and connected to a handle, and solution and recovery tanks removably mounted to the housing base. Ostergaard '573 discloses an upright partition extending upwardly across the housing base and further having two plugs on each side of the partition for mounting the solution and recovery tanks. Apparently the plugs 11 which mount the recovery tank are open and connect the recovery tank to the suction hose 3 and to the suction source which is apparently housed in the motor housing 20. The position of the impeller is not disclosed in Ostergaard '573. The logical assumption is that it is mounted in the base.

Serial No. 10/065,891
Filed: 11/27/02
Page 18 of 24

Examiner: Theresa T. Snider
Group Art Unit: 1744

Claim 1 and the claims dependent there from distinguish over the Ostergaard '573 reference in calling for a housing assembly including a housing enclosure centrally mounted on the housing base and a handle formed on the housing enclosure, a suction motor and an impeller assembly mounted within the housing enclosure. Ostergaard '573 does not disclose this concept. Though Ostergaard discloses some sort of a central structure, it does not include the motor and impeller assembly as required by claim 1. Ostergaard discloses "the base portion 7 comprises a motor housing 20 protruding centrally from the top of the base portion 7". Although the motor housing 20 is positioned between the solution and recovery tanks, it is apparent that the housing 20 does not contain both a motor and an impeller assembly. The position of the motor and impeller is not further disclosed by Ostergaard '573.

Claims 53-55 have been cancelled. Claims 2-9, 14-16, 23-25, and 35-39 distinguish over Ostergaard '573 in the same fashion as claim 1. Further, claim 3 further distinguishes over Ostergaard '573 in defining the solution tank and the recovery tank as mounted to forward and rearward ends of the main housing assembly and the handle is oriented in a forward to rear direction. In Ostergaard, the handle is transverse to the solution and recovery tanks and is not aligned with them as required by claim 3.

Claims 8 and 38 further define over Ostergaard '573 in calling for a working air conduit through the housing base between an impeller inlet opening and a recovery tank. Ostergaard '573 discloses no working air conduit in the housing base. Any working air conduit between an impeller opening and the recovery tank appears to be in the central partition of Ostergaard '573. The working air conduit the Examiner referred to in her Office Action, does not extend through the housing base. It is in the housing partition.

Claim 14 further distinguishes over Ostergaard '573 in calling for the handle to be integrally molded with the housing enclosure. There is no disclosure in Ostergaard of an integrally mounted handle on a Ostergaard '573 central partition.

Claim 23 further distinguishes over Ostergaard in calling for at least one of the solution and recovery tanks to have indented hand grips on sidewalls thereof for user grasping of the tanks for removal from and replacement on the housing base. Although the Ostergaard solution and

Serial No. 10/065,891
Filed: 11/27/02
Page 19 of 24

Examiner: Theresa T. Snider
Group Art Unit: 1744

recovery tanks appear to have small indentations that extend around the semi-cylindrical sidewalls, there are not indented hand grips "on sidewalls thereof for user gripping" the tanks as required by claim 23.

Thus, claims 1-9, 14-16, 23-25, 35-39 are not anticipated by the Ostergaard '573 reference.

Claim Rejections – 35 U.S.C. § 103

Claims 10, 11, 19, 40, and 41 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ostergaard as applied to claims 9 and 40, respectively, and further in view of the Kent U.S. Patent No. 4,934,017. This rejection is respectfully traversed.

The alleged combination of Ostergaard '573 and Kent '017 is traversed. There is no basis for making the alleged combination. The Examiner has not provided any basis for the alleged combination of references.

The Kent '017 reference discloses an extractor with a motor and impeller mounted on top of the recovery tank. The base of the Kent '017 extractor does not include a motor impeller. The impeller is mounted in a motor and impeller housing and the exhaust openings are in a bottom portion of the motor housing. It appears that the Examiner is alleging that it would be obvious to provide exhaust vents in the base of Ostergaard '573, irrespective of any prior art teaching.

Even if the alleged combination of Ostergaard '573 and Kent '017 were to be made, however untenably, it still would not reach Applicants' claimed invention. The alleged combination of references would at best provide air vents in the underside of the Ostergaard '573 base and not in the side of the housing base.

Thus, the alleged combination of Ostergaard '573 and Kent '017 would not meet the limitations of claims 10, 11, 19, and 40-41 which require clean air exhaust vents on a side of the housing base.

In addition, all of these claims are dependent on claim 1 and define over the alleged combination of Ostergaard '573 and Kent '017 in the same fashion as claim 1 as set forth above.

Serial No. 10/065,891
Filed: 11/27/02
Page 20 of 24

Examiner: Theresa T. Snider
Group Art Unit: 1744

Kent '017 does not add the missing features of a housing enclosure between solution and recovery tanks and which includes a suction motor and impeller assembly as required by claim 1.

Claims 12, 13, 17, and 18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ostergaard '573 and further in view of the Blase et al. U.S. Patent No. 4,910,828. This rejection is respectfully traversed. The Blase et al. '828 patent is cited to disclose the use of indentations in a cleaner enclosure for storing hoses.

The alleged combination of Ostergaard '573 and Blase et al. '828 is traversed. There is no basis for making the alleged combination. There is no suggestion of placing hose limitations in the base of Ostergaard '573 by incorporating the teachings of Blase et al. '828 in the Ostergaard '573 reference. In fact, Ostergaard '573 teaches against this combination in column 4, lines 13-24;

When the apparatus is not being used, the tubes 2 and 3 may be coiled around the cylindrical assembly consisting of the containers 4 and 5 and the partition portion 8, the coiled tubes being kept in place by a spring-loaded supporting hook 24 secured to the side of the partition portion 8 opposite the side to which the tubes 2 and 3 are connected. The free ends of the tubes 2 and 3 may be placed in the recess formed between the two containers 4 and 5 on top of the partition portion 8, or inserted through the openings formed below the handles 18, 9 and 18 respectively.

The logical place for any hose indentations in Ostergaard is in the sidewalls of the solution and recovery tanks to accommodate the wrapping of the hose around the solution and recovery tanks as suggested by Ostergaard '573. Claims 12, 13, 17, and 18 call for the indentations to be in the housing base not in the solution and recovery tank.

Further, claims 12, 13, 17, and 18 define over any alleged combination of Ostergaard '573 and Blasé et al. '828 in the same fashion as claim 1 for the reasons as set forth above with respect to claim 1.

Claims 21, 22, have been rejected under 35 U.S.C. § 103 as being unpatentable over Ostergaard '573 in view of Lockhart et al. U.S. Patent No. 4,376,322. This rejection is respectfully traversed. The Lockhart et al. '322 patent is cited to disclose a pair of cord retainers on an upright vacuum cleaner.

Serial No. 10/065,891
Filed: 11/27/02
Page 21 of 24

Examiner: Theresa T. Snider
Group Art Unit: 1744

The alleged combination of Ostergaard '573 and Lockhart et al. '322 is traversed. There is no basis for making the alleged combination. There is no suggestion in either reference of incorporating the upright vacuum cleaner cord wraps in the Ostergaard '573 extractor. It should be noted that claims 21 and 22 call for the cord wrap retainers to be mounted on the housing enclosure. The Examiner has not alleged that vertical cord wraps of Lockhart et al. '322 would necessarily be mounted on the upright enclosure. It appears that the extractor cord for Ostergaard '573 is in the base and there would most likely be an automatic cord winder in the Ostergaard base although the same is not disclosed. There is no reason why one would place vertical cord wraps on the Ostergaard central partition. Indeed there is little space for such a cord wrap.

However, even if the alleged combination of Ostergaard '573 and Lockhart et al. '322 were made, however untenably, it still would not reach Applicants claimed invention. The alleged combination would not meet the limitations of claim 1 from which claims 21 and 22 depend. In addition, the alleged combination would provide a cord wrap on the base of the Ostergaard '573 extractor. Claims 21 and 22 call for the cord wrap to be placed on the housing enclosure.

Claim 25 has been rejected as being unpatentable under 35 U.S.C. § 103(a) over the Thomas et al. '386 patent and further in view of Ostergaard. This rejection is respectfully traversed.

The alleged combination of Ostergaard '573 and Thomas et al. '386 is traversed. There is no basis for making the alleged combination.

However, even if the alleged combination were to be made, however untenably, it still would not reach Applicants' claimed invention. Claim 25 depends from claim 1 and defines over both Thomas et al. '386 and Ostergaard '573 in the same manner as claim 1 as set forth above.

Claims 30-32 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Thomas et al. '386 and further in view of the Crouser et al. U.S. Patent No. 5,870,798. This rejection is respectfully traversed.

Serial No. 10/065,891
Filed: 11/27/02
Page 22 of 24

Examiner: Theresa T. Snider
Group Art Unit: 1744

The Crouser et al. '798 patent has been cited to disclose a portable extraction cleaner with a recovery tank having a pour spout. The Crouser et al. '798 pour spout is at an outside surface of the recovery tank.

The alleged combination of Crouser et al. '798 with Thomas et al. '386 is traversed. There is no basis for making the alleged combination.

However, even if the alleged combination were to be made, however untenably, it still would not reach Applicants' claimed invention. At best, the alleged combination would place the pour spout on the edge of Thomas et al. '386 recovery tank distal from the "moto-ventilator group 2." Whereas Applicants agree that a pour spout on an upper portion of the Thomas et al. '386 recovery tank would be obvious, what is not obvious is the placing of the pour spout adjacent to the housing enclosure. The Examiner has failed to appreciate this limitation of claim 30.

Further, claims 30-32 depend from claim 1 and define over the references in the same fashion as claim 1. The Crouser et al. '798 patent does not add the missing features of a housing enclosure between solution and recovery tanks and which includes a suction motor and impeller assembly as required by claim 1 to Thomas et al. '386 as set forth above.

Claims 31 and 32 further distinguish over any alleged combination of Thomas et al. '386 and Crouser et al. '798 in calling for a pour spout cover pivotally mounted on the housing enclosure. This concept is not disclosed in the alleged combination of references. At best, the alleged combination would provide a cover for the pour spout on the cover 16 and not on the moto-ventilator group 2 of the Thomas et al. '386 extractor. Contrary to the Examiner's position, Crouser does not disclose a pour spout cover pivotally mounted to the housing cleaner. The Crouser et al. '798 cover 86 is said to be resilient in any case. The alleged combination would not provide a pivotally mounted cover on the housing.

Claim 32 further distinguishes over the alleged combination in providing the pour spout cover with and over-center latch. There is no teaching any of the reference that an over-center latch would be obvious to one of ordinary skill in the art or would be the most appropriate means

Serial No. 10/065,891
Filed: 11/27/02
Page 23 of 24

Examiner: Theresa T. Snider
Group Art Unit: 1744

for mounting the spout cover in the Thomas et al. '386 cover. Crouser et al. '798 discloses a different mechanism, a resilient cover, and sets forth this mechanism in claim 1.

Claims 30-32 have also been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ostergaard '573 in view of Crouser et al. '798. This rejection is respectfully traversed.

The alleged combination of Ostergaard '573 and Crouser et al. '798 is also traversed. There is no basis for making the alleged combination. With respect to the Ostergaard '573 reference, it does disclose a pour opening at the upper portion of the recovery tank. See FIG. 4, item 19. To the extent that the recovery tank needs emptying, the opening 19 provides such a feature. Applicants disagree that it would be obvious to put a pour spout in the recovery tank of Ostergaard '573.

Even if the alleged combination of Ostergaard '573 and Crouser et al. '798 were to be made, however untenable, it still would not reach Applicants' invention. As pointed out above, claims 30-32 require the pour spout to be at an upper portion adjacent to the housing enclosure. The alleged combination would provide the pour spout distal from the Ostergaard partition and not adjacent to it.

Claims 31 and 32 further distinguish over any alleged combination of Ostergaard '573 and Crouser et al. '798 in calling for a pour spout cover pivotally mounted on the housing enclosure for movement from an overlying position to an open position with respect to the pour spout. No such disclosure is present in the Examiner's alleged combination of references.

Further, claim 32 defines over the alleged combination of Ostergaard '573 and Crouser et al. '798 in calling for the pour spout cover to have an over-center latch to positively seal the pour spout in the overlying position and for retaining the pour spout cover free of the pour spout in the open position. This concept is also not disclosed in the alleged combination of Ostergaard '573 and Crouser et al. '798.

Allowable Subject Matter

The Examiner's allowance of claims 58 and the allowability of claims 26-29 and 33-34 as well as claims 56, 57, and 59 are acknowledged with appreciation. Because Applicants believe

Serial No. 10/065,891
Filed: 11/27/02
Page 24 of 24

Examiner: Theresa T. Snider
Group Art Unit: 1744

that claim 1 is allowable over the references, claims 26-29 and 33-34 have not been rewritten in independent form.

In view of the foregoing remarks and amendments, it is submitted that all of the claims are in condition for allowance. Early notification of allowability is respectfully requested. In the event that the Examiner does not find all of the claims allowable, the courtesy of a telephone interview with the undersigned attorney is requested in advance of any final rejection.

Respectfully submitted,

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